

OCT 25 2019

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Daniel Teklemariam Hagos
Plaintiff

COMPLAINT

V.
Suzanne Marie Parton
Nicholas Jr. Guzley
Kyle Hay
Gabriel T. Ladd
Defendants

Civil Action No. C19 1150 RSM-MAT

19-CV-1733 RSM-MAT

I. Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). The court has supplemental jurisdiction over plaintiff's state law claims under 28 U.S.C. Section 1367. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The United States District Court Western District Of Washington At Seattle is an appropriate venue under 28 U.S.C. section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff

3. Plaintiff, Daniel Teklemariam Hagos, is an African American male, is and was at all times mentioned a prisoner of the state of Washington in the the custody of the Washington King County Correctional Facility. He is currently confined in Maleng Regional Justice Center 620 West James Street. 98032, in Kent, Washington.

III Defendants

4. Defendant Officer Suzanne Marie Parton is a police officer of the Washington State Seattle Police Department who, at all times mentioned in this complaint, acted under the Color of State law.

5. Defendant Officer Nicholas Jr. Guzley is a police officer of the Washington State Police Department who, acted under the color of state law.

6. Defendant officer Kyle Hay is a police officer of the Washington State Seattle Police Department who, is the primary officer. defendant acted under the color of state law

7. Defendant Officer Gabriel T. Ladd is a police officer of the Washington State Seattle Police Department who, acted under the color of state law.

8. Each defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

III Facts

9. On June 1, 2019, during the day-time, dispatch sent officers out on a call of some form of alleged assault. Garrett Scott reported that Mr. Hagos rammed a bicycle into Mr. Scott's mail satchel. Mr. Scott called the police. Officers arrived after the alleged assault and were not witnesses to it the allegation. Witness Kym Luittlefiled did not witness an alleged assault. He heard another witness. Tiffaney Horner, mentioned her opinion that the mailman may have escalated the situation. Tiffany Horne heard some verbal altercation, and heard that the mailman was going to call the police. It does not appear that Ms. Horne saw any physical assault.

10. Generally, an officer cannot make an investigative stop when the officer has not made any personal observations that would justify the stop. *State v. Lesnick*, 84 Wn.2d 940, 943 (1975). There are exceptions. An officer's reasonable suspicion may be based on information supplied by an informant. *Id.*; *Adams v. Williams*, 407 U.S. 143, 92 S.Ct. 1921, 32 L.Ed.2d 612 (1972). However, an informant's tip cannot constitutionally provide police with such a suspicion unless it possesses sufficient "indicia of reliability." *State v. Seiler*, 95 W.2d

1. 43, 47, 621 P.2d 1272 (1980). In *Seiler*, Our Supreme
 2. Court formulated the test for "indicia of reliability"
 3. as follows:

4. n. An informant's tip possesses sufficient "indicia of
 5. reliability" where (1) the informant is reliable and (2) the
 6. informant's tip contains enough objective facts to justify
 7. the pursuit and detention of the suspect or the
 8. non-innocuous details of the tip have been corroborated
 9. by the police thus suggesting that the information was
 10. obtained in a reliable fashion.

11.
 12. State v. Hart, 66 Wn.App. 1, 830 P.2d 696, 700 (1992).

13.
 14. 12. The exclusionary rule in Washington provides a
 15. remedy when the government tramples upon individual
 16. rights by searching or seizing a person with no warrant,
 17. and without proving an exception to the strict warrant
 18. requirement. The remedy is suppression and the
 19. remedy is virtually absolute, regardless of whether
 20. suppression would serve as a deterrent for future
 21. similar police misconduct. See *State v. Ladson* 138
 22. Wn.2d 343, 979 P.2d 833 (1999). The suppression
 23. requirement not only serves as a remedy for
 24. the individual harmed, but saves the integrity of the
 25. judicial process by barring illegally obtained evidence
 26. from poisoning the court system. See *id.* Thus, in
 27. Washington, even an officer's good faith subjective
 28. belief that has grounds to seize, will not support the
 29.

1. Seizure, State v. Wallin, 125 Wn. App. 648, 663, 105
2. P.3d 1037 (2005).

3. 13. Probable cause requires facts and
4. circumstances within the arresting officer's
5. knowledge which are sufficient to justify a
6. a reasonable belief that an offense has been
7. committed. State v. Vasquez, 109 Wn. App. 310, 34 P.3d
8. 1255 (2001); State v. Terrovona, 105 Wn.2d 632, 643,
9. 716 P.2d 295 (1986).

10. 14. Here the court should find that the officers
11. did not have grounds to detain me in the first
12. place. While Mr. Scott had made an allegation against
13. me, by the time police arrived it appears that I
14. have already been peppered sprayed and at this
15. time I am unaware of corroborating witnesses.

16. 15. Moreover, the police did not have probable
17. cause to arrest me. For quite some time I
18. waited on the ground after being pepper
19. sprayed while the police contemplated an
20. ITA. Only after a spit sock was put
21. on me and officer Parton alleged spit
22. got on her, did the police seem to formally
23. search me? But here, the amount of time
24. between detention, and lack of probable cause
25. for the arrest should inform the court's
26. decision to suppress such evidence. It is
27. clear that at the time of the spitting allegation, I
28. had a spit sock placed on my head, thus negating an intent
29. element.

V. Legal Claims

1. 16. • The Seattle Police used excessive force.
2. • The Seattle Police fabricated the Probable
3. Cause
4. • The Seattle Police violated The 14th Amendment
5. Equal Treatment, Equal Protection
6. • The Seattle Police violated the
7. Washington State Constitution Article I Sub
8. Section 7
9. • The Seattle police Violated The 4th
10. Amendment illegal search and
11. Seizure
12. • The Seattle Police had No Exigent
13. Circumstance.
14. • The Seattle police injured my
15. Constitutional Rights and deprived
16. my Rights.
17. • The Seattle Police treated me
18. differently because I am black and
19. The mailman being white.
- 20.

V1. Prayer For Relief

21. WHEREFORE, Plaintiff respectfully prays that

22. this court enter judgment granting plaintiff.

23.

24. 17. A declaration that the acts and omissions

25. described herein violated plaintiff's rights Under

26. Constitution and laws of the United States.

27. 18. A preliminary and permanent injunction

28. ordering defendants officer Suzanne M. Parton, Officer Nicholas

1. Jr. Guzley, Officer Kyle Hay, and officer
2. Gabriel T. Ladd to NOT harass plaintiff,
3. violate plaintiff's rights, or target plaintiff

4. 18. Compensatory damages in the
5. amount of \$5,000 against each defendant,
6. jointly and severally.

7. 19. Punitive Damages in the amount of
8. \$400,000 against each defendant.

9. 20. A jury trial on all issues triable
10. by jury

11. 21. Plaintiff's costs in the suit

12. 22. Any additional relief this court
13. deems just, proper and equitable.
14.

15. Date: 10-22-19

16. Respectfully submitted

17.
18. Daniel Teklemariam Hagos
19. (R.J.C.) 620 West James Street Kent, WA 98032
20.

21. Verification

22. I have read the foregoing complaint and hereby
23. verify that the matters alleged therein are true, except
24. as to matters alleged on information and belief, and,
25. as to those, I believe them to be true. I certify
26. under penalty of perjury that the foregoing is true
27. and correct.

Executed at Kent and WA, on 10-22-19

28. Daniel Hagos

Daniel Hagos

Name _____
Bkg. # _____
King County Correctional Facility
620 West James Street
Kent, WA 98032

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OCT 25 2019

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

SEATTLE WA 980

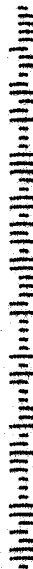
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United States Court House
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